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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,976	02/16/2001	Kouji Masumoto	203079US2	2937

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EXAMINER

NGUYEN, TRAN N

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,976

Applicant(s)

MASUMOTO ET AL.

Examiner

Tran N. Nguyen

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 3-9, 11, 12 and 14-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1, 2, 10 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Election/Restriction

2. **Applicant's election of claims 1-2, 10 and 13** in Paper No. 9, filed on 8/15/02 is acknowledged. Since Applicant did not provide any traversal arguments to the restriction requirement, the response is considered as election without traverse; therefore, the election/restriction is made FINAL.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-2, 10 and 13** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, in the recitation “a bottom portion of a slot constituted by a back yoke portion and the tooth-portion has a curved line after circularly forming the stator iron core”, the phrase “after circularly forming the stator iron core” is a method-of-making claimed language. The structural limitation here is that the bottom portion of a slot constituted by a back yoke portion and the tooth-portion has a curved line. How the curved line formed, i.e., before or after forming

the circular core, is regard as a method of forming the device. Method of forming a device is not germane to the issue of patentability of the device itself. (*In re Thorpe*, 227 USPQ 964, 966.)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. **Claim 1** is rejected under 35 U.S.C. 102(e) as being fully anticipated by Kazama et al (US 6,226,856 B1).

Kazama discloses a stator core (1a-1d, 3-7) having a plurality of magnetic core segments, each having back yoke portion (6) and a tooth portion (5), wherein the pole segments are connected so as to be bendable by a connection portion (8a-8b) located at the back yoke portion; the stator core is circularly formed by bending the connection portions (fig. 6a-b) and each of a plural pole segments formed to have a bottom portion of a slot constituted by a back yoke portion and the tooth-portion has a curved-line portion.

5. **Claims 1-2** is rejected under 35 U.S.C. 102(e) as being fully anticipated by Suzuki (US6,219,900 B1).

Suzuki discloses a stator core having a plurality of magnetic core segments, each having back yoke portion (2) and a tooth portion (3), wherein the pole segments are connected so as to be bendable by a connection portion (6-7) located at the back yoke portion; the stator core is circularly formed by bending the connection portions and each of a plural pole segments formed to have a bottom portion of a slot constituted by a back yoke portion and the tooth-portion has a curved-line portion. The curved line portion formed by the inner side of the back yoke portion having a flat surface that crosses the surface of the pole portion at right angle; an insulator(5a) supports stator coil (5). As shown in fig 1, the insulator having a wall surface covering the back yoke and the wall surface covering the tooth portion is joined at a right angle, i.e., angle of 90 degrees.

Claim Rejections - 35 USC § 103

6. **Claims 10 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over either Kazama or Suzuki, as applied in the rejection against the base claim, in view of level of ordinary skilled in the art.

Either Kazama or Suzuki refs discloses the claimed invention, except for the added limitations of the recited use of the stator core in a motor that is embodied in a compressor, those skilled in the art would understand that magnetic core can be used as a rotor core or a stator core, which is an essential part of a motor, wherein a motor well known industrial application is being incorporated in a compressor.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to employ the motor having the Kazama's, in view of Suzuki's, stator core, in a compressor because this particular indented use of the motor is well known in the art.

Furthermore, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of

Art Unit: 2834

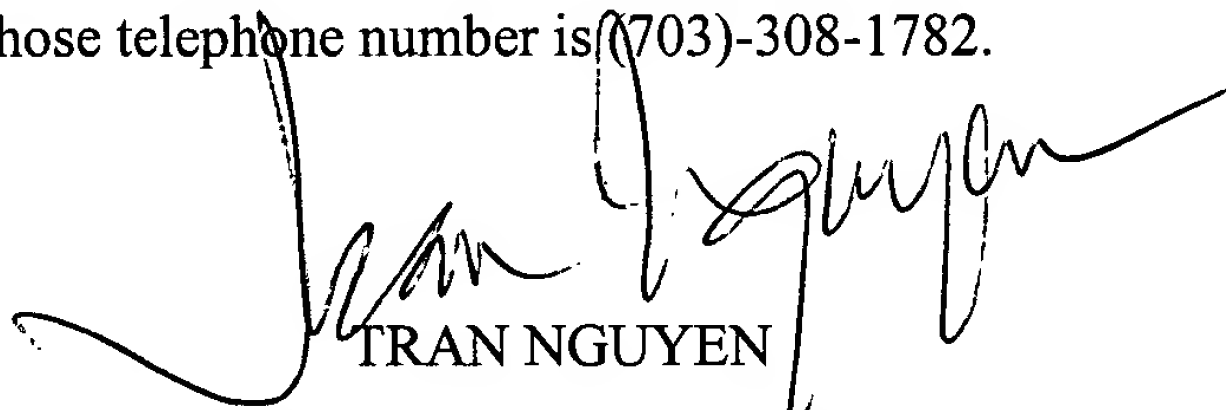
performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N Nguyen whose telephone number is (703) 308-1639. The examiner can normally be reached on M-F 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703)-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3431 for regular communications and (703)-395-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1782.


TRAN NGUYEN
PRIMARY PATENT EXAMINER

TC-2800